

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)**

IN THE MATTER OF:

Jessica Anne Simon,

Debtor.

Bankruptcy Case No. 14-05227-jtg
Honorable John T. Gregg
Chapter 7

Kelly M. Hagan, Trustee,

Plaintiff,

v.

Adversary Proceeding No.

21st Mortgage Corp.,

Defendant.

**TRUSTEE'S COMPLAINT TO AVOID TRANSFER OF SECURITY INTEREST
IN MANUFACTURED HOME PURSUANT TO 11 U.S.C. §547(b)**

Kelly M. Hagan, Trustee, by and through his counsel, Beadle Smith, PLC, hereby states for his Complaint to Avoid Transfer of Security Interest in Manufactured Home Pursuant to 11 U.S.C. §547 ("Complaint") as follows:

Jurisdiction

1. Kelly M. Hagan ("Trustee") was appointed the duly qualified and acting Trustee in this matter.
2. This adversary proceeding arises in and relates to the bankruptcy case of Jessica Anne Simon ("Debtor"), Bankruptcy Case No. 14-05227.
3. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(F).
4. This adversary proceeding is properly before this Bankruptcy Court pursuant to 28 U.S.C. §§157, 1334 and 1409.
5. The Defendant is 21st Mortgage Corporation ("21st Mortgage") having a principal address of PO Box 477, Knoxville, TN 37901.
6. Richard Green is the resident agent authorized to accept service of process on behalf of Defendant in the State of Michigan and has a mailing address of 705 S. Main Street, Ste 270, Plymouth, MI 48170.

7. Plaintiff consents to the Bankruptcy Court entering a final judgment in this Adversary Proceeding.

General Allegations

8. On August 5, 2014, Jessica Anne Simon (“Debtor”) filed a Voluntary Petition under Chapter 7 of the Bankruptcy Reform Act of 1978 as Amended, Title 11 (“Petition Date”).

9. At the time the Debtor filed her bankruptcy proceeding, Debtor held an interest in a 1999 Holly Park Manufactured Home, Serial Number 2HP995692AB (“Manufactured Home”)

10. The Debtor and a co-owner, Trina Simon, granted Defendant a security interest in the Manufactured Home to secure an obligation owed to Defendant by the Debtor which was incurred on February 28, 2014 (“Security Interest”).

11. Defendant failed to cause its name to be listed on the Certificate of Title for the Manufactured Home with the Michigan Secretary of State as required for the perfection of the Security Interest until May 16, 2014. A copy of the Certificate of Manufactured Home Ownership is attached hereto as Exhibit A.

12. The Debtor’s interest in the Manufactured Home is property of the estate pursuant to 11 U.S.C. §541.

**AVOIDANCE OF TRANSFER
AS PREFERENTIAL UNDER 11 U.S.C. § 547(b)**

13. Trustee re-alleges and incorporates by reference paragraphs 1 through 12 of the Complaint as is fully stated herein.

14. The transfer of the Security Interest (“Transfer”) was on account of an antecedent debt owed by the Debtor to Defendant.

15. The Transfer was a transfer of the Debtor’s interest in the Manufactured Home.

16. The Transfer was to or for the benefit of Defendant.

17. The Transfer was made while the Debtor was insolvent.

18. The Transfer is deemed to have occurred within ninety (90) days preceding the Petition Date.

19. The Transfer would allow Defendant to recover more than it would have recovered in a Chapter 7 distribution had the transfers not been made.

WHEREFORE, the Trustee, Kelly M. Hagan, respectfully requests that this Honorable Court avoid the Security Interest pursuant to 11 U.S.C. § 547(b), and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

BEADLE SMITH, PLC

/S/ Kevin M. Smith
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Dated: 1/16/15

STATE OF MICHIGAN

CERTIFICATE OF MANUFACTURED HOME OWNERSHIP

MANUFACTURED HOME SERIAL NUMBER

2HP995692AB

YEAR OF MANUFACTURE

1999

MANUFACTURER

HOLLY PARK

ISSUE DATE

05/16/2014

MANUFACTURED HOME CERTIFICATE NUMBER

298C1350620 TS

OWNER(S) NAME AND ADDRESS

TRINA LEANNE SIMON &

JESSICA ANNE SIMON

16430 PARK LAKE RD LOT 196

EAST LANSING MI 48823

**FULL RIGHTS TO SURVIVOR*



First Secured Party

21ST MORTGAGE CORP

PO BOX 477

KNOXVILLE

Release of First Lien

Signature of Agent

THE YEAR OF MANUFACTURE AND MODEL YEAR MAY NOT BE THE SAME

Certificate Assignment by Seller

ANY ALTERATION, ERASURE, FALSE STATEMENT, FORGERY OR FRAUD VOIDS THIS CERTIFICATE AND IS A CRIME

Completed by Seller	I (we) certify that the manufactured home described above is sold assigned, transferred to the following purchaser(s) and is free of all previous liens. Further, I (we) certify that the manufactured home described above is equipped with (1) fire extinguisher and (1) smoke detector as required by 1974 PA-133, MCL 125.771 et seq.			
	Printed Name of Purchaser(s)		Date of Sale	Selling Price
	Purchaser's Street Address		City	State Zip
	Signature of Seller(s)		Printed Name of Seller(s)	
	Seller's Street Address		City	State Zip
NEW LIENHOLDER INFORMATION: The information below relates to an application for a certificate and presented to the Michigan Department of State.				
Secured Party:		Address:		

The Department of Licensing and Regulatory Affairs of the State of Michigan certifies that this certificate is prima facie proof of ownership issued in compliance with the laws of the State of Michigan. On the date of issuance, the manufactured home described was subject to no security interest as shown.

MAILING ADDRESS

21ST MORTGAGE CORP

PO BOX 477

KNOXVILLE TN 37901

B12891638



DO NOT ACCEPT CERTIFICATE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS